

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CLOY'S HAYNES and
DARLENE HAYNES

Plaintiffs,

CYBERONICS, INC.

Defendant.

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CIVIL ACTION FILE
NO.: 1:09-cv-2700-JEC

**DEFENDANT CYBERONICS, INC.'S NOTICE OF FILING AMENDED
EXHIBIT "3" TO ITS REPLY IN SUPPORT OF ITS MOTION FOR
SUMMARY JUDGMENT**

Defendant Cyberonics, Inc. ("Cyberonics") submits this Notice of Filing Amended Exhibit "3" to its Reply in Support of its Motion for Summary Judgment.

Respectfully submitted, this 15th day of February, 2011.

THOMPSON HINE LLP

BY: /s/ Z. Ileana Martinez

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**IN THE UNITED STATES DISTRICT COURT
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CLOY'S HAYNES and)	
DARLENE HAYNES)	
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Plaintiffs,)	CIVIL ACTION FILE
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)	NO.: 1:09-cv-2700-JEC
)	
)	(Removed from the State Court
)	of Gwinnett County, Georgia
CYBERONICS, INC.)	Civil Action File No. 09C-
)	14983-1).
)	
Defendant.)	
)	
_____)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the within and foregoing **DEFENDANT CYBERONICS, INC.'S NOTICE OF FILING AMENDED EXHIBIT "3" TO ITS REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** upon all parties to this matter via electronic filing and/or U.S. Mail addressed to the counsel of record as follows:

W. Bryant Green
Law Office of W. Bryant Green, III, P.C.
303 Peachtree Street, N.E., Suite 4100
Atlanta, Georgia 30308
Ph: (404) 522-5330
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This 15th day of February, 2011.

THOMPSON HINE LLP

BY: /s/ Z. Ileana Martinez
Z. Ileana Martinez
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LOCAL RULE 7.1 CERTIFICATION

The undersigned counsel hereby certifies that this pleading was prepared with one of the font and point selections approved by the Court in LR 5.1B. Specifically, Times New Roman was used in 14 point.

So certified this 15th day of February, 2011.

/s/ Z. Ileana Martinez

Georgia Bar No. 474660

Leslie J. Suson

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